

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANGELA EATZ and BARBARA EATZ,

Plaintiffs,

-and-

IV FLUSH, LLC, PINNACLE MEDICAL
SUPPLY, and IVEDCO, LLC,

Defendants.

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DEBORAH A. BATTS, United States District Judge.

06 Civ. 4190 (DAB)
ORDER TO SHOW CAUSE

On June 1, 2006, Defendant IVEDCO, LLC ("IVEDCO") filed a Notice of Petition for Removal of this case from the Supreme Court of the State of New York, County of New York. Attached to the Notice of Petition was Plaintiffs' Second Amended Complaint. Defendant IVEDCO also attached Co-Defendants IV Flushes' and Pinnacle Medical Supply's Consent to Removal papers. On June 9, 2006, Defendant IVEDCO filed its Answer to the Second Amended Complaint. Neither of the other two Defendants in this action have filed a responsive pleading or motion.


Accordingly, Plaintiffs are hereby ORDERED TO SHOW CAUSE why their causes of action against Defendants IV Flushes, LLC and Pinnacle Medical Supply should not be dismissed for failure to prosecute. See Lyell Theatre Corp. v. Loews Corp., 682 F.2d 37, 42 (2d Cir. 1982) (holding that a district court's authority to

dismiss an action for plaintiff's failure to prosecute "cannot seriously be doubted").

If Plaintiffs fail by February 15, 2007 to either (1) show cause, or (2) move for default judgment against Defendants IV Flushes LLC and Pinnacle Medical Supply, Plaintiffs' causes of action against these Defendants shall be dismissed for failure to prosecute. Plaintiffs' showing of good cause, if any, shall be made by affidavit.

SO ORDERED.

DATED: New York, New York
January 5, 2007


Deborah A. Batts
United States District Judge